

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURO V. PEREZ,

Petitioner,

No. CIV S-07-0544 LKK DAD P

vs.

D.K. SISTO, Warden,

Respondent.

ORDER

_____/

On December 17, 2007, the assigned district judge in this case adopted the undersigned's findings and recommendations, recommending that respondent's motion to dismiss be denied.

Since petitioner may be entitled to relief if the claimed violation of constitutional rights is proved, respondents will be directed to file an answer to petitioner's habeas petition.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Respondents shall file an answer accompanied by all transcripts and other documents relevant to the issues presented in the petition within thirty days from the date of this order. See Rule 5, Fed. R. Governing § 2254 Cases; and

/////
/////

1 2. Petitioner's reply, if any, shall be filed and served within thirty days after
2 service of the answer.

3 DATED: December 18, 2007.

4
5 
6 _____
7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

7 DAD:9
8 pere0544.100mod

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26